

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

Ashley Adams,

Plaintiff,

v.

Rockingham County,

Defendant.

Civil Action No. 5:21CV6

**SCHEDULING ORDER**

By: Hon. Thomas T. Cullen  
United States District Judge

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**I. SUMMARY**

Jury Trial: January 18-21, 2022 at 9:30 a.m.

Location: United States District Court  
116 N. Main Street  
Harrisonburg, Virginia 22802

Status Conference: September 20, 2021 at 9 a.m.

Deadlines:

Event	Deadline
Fed. R. Civ. P. 26(f) Conference	14 days from this order
Fed. R. Civ. P. 26(a)(1) Initial Disclosures	30 days from this order
Plaintiff(s) Initial Expert Disclosure	75 days from this order
Defendant(s) Initial Expert Disclosure	90 days from this order
Deadline to Complete Discovery	90 days before trial date
Deadline to File Dispositive Motions and Motions to Exclude Experts	80 days before trial date
Deadline for Hearing Dispositive Motions and Motions to Exclude Experts	45 days before trial date

## **II. MEDIATION**

1. The court encourages the parties to engage in settlement discussions. Upon motion of any party, the court will refer the case to a magistrate judge for mediation.

## **III. DISCOVERY**

2. The court proposes the above deadlines as a pretrial order pursuant to Federal Rule of Civil Procedure 16(b). The court may amend this order on its own motion, or the parties may amend this order's disclosure and discovery deadlines by submitting an agreed written plan that satisfies the requirements of Rule 26(f).<sup>1</sup> If no party requests changes within 10 days, the above deadlines will apply.
3. All discovery must be completed at least 90 days before trial. This schedule requires that the parties serve all written discovery with enough time to allow the responding party to respond on or before the deadline to complete discovery.
4. The parties shall not file disclosure or discovery materials unless they are relevant to the court's determination of a motion.

## **IV. EXPERT WITNESSES AND EXHIBITS**

5. Expert witnesses who are retained or specially employed to provide expert testimony in this case or whose duties as an employee of the party regularly involve giving expert testimony must prepare a written report that conforms to the requirements of Rule 26(a)(2)(B). Unless the parties otherwise agree, or the court otherwise directs, the plaintiff must disclose the written report of each expert no later than 75 days from the

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<sup>1</sup> If this case proceeds to trial, the court will issue a separate Trial Order outlining the remaining deadlines, pretrial procedures, and the date of the final pretrial conference.

date of this order, and the defendant must disclose the written report of each expert no later than 90 days from the date of this order.

6. With respect to expert witnesses who are not retained or specially employed to provide expert testimony (such as a treating physician) or other persons who may qualify as both an expert and a fact witness, the plaintiff must disclose the identity of any such witnesses and provide the information required by Rule 26(a)(2)(C) no later than 75 days from the date of this order. The defendant must disclose the identity of any such witnesses and provide the information required by Rule 26(a)(2)(C) no later than 90 days from the date of this order.
7. All expert disclosures must be submitted in sufficient time that discovery can be completed reasonably before the discovery cutoff date without undue duplication and expense.
8. Any motion to exclude expert testimony must be filed no later than 80 days before the trial date. A hearing for a motion to exclude expert testimony must be held no later than 45 days before the trial date.

## **V. MOTIONS**

9. A supporting brief must accompany all pretrial motions, unless the motion contains the legal argument necessary to support it or is certified to be unopposed.
10. If an opposed motion has been filed before the entry of this order without legal argument to support it, the movant must file a supporting brief within 14 days of the date of this order or the court will deny the motion without prejudice.
11. If a party opposes a motion, the nonmovant must file a brief in opposition within 14

days of the date of service of the movant's brief (or within 14 days of this order if the moving party served a motion and supporting brief before the entry of this order). Except for good cause shown, if the nonmovant does not timely file an opposition brief, the court will consider the motion to be unopposed.

12. If the moving party desires to submit a reply brief, it must do so within seven days of the date of service of the opposition brief.
13. Parties may not file surreply briefs without prior leave of court.
14. Exclusive of any accompanying exhibits, a brief may not exceed 25 pages in length using one-inch margins, double-spaced lines, and at least 12-point font, unless the filing party first obtains leave of court after showing good cause why a longer brief is necessary.
15. When a dispositive motion, together with its supporting brief and exhibits, consists of more than 50 pages, the filing party must send a courtesy paper copy of the documents to the following address:

United States District Court for the Western District of Virginia  
Attention: Judge Cullen's Chambers  
210 Franklin Road, S.W., Room 224  
Roanoke, Virginia 24011

Additionally, if a party cites a deposition in any filing for a dispositive motion, the party must, regardless of the length of the entire filing, send a courtesy paper copy of the cited deposition transcript to the above address.

16. All nondispositive pretrial motions and issues are hereby referred to the Honorable Judge Joel C. Hoppe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(A). Prior to filing any discovery motions, the parties are directed to contact

Judge Hoppe's chambers by telephone in an effort to resolve the issue. The parties shall contact Judge Hoppe's chambers by contacting Karen Dotson, Courtroom Deputy Clerk, at 540-434-3181, extension 2. The court, in its discretion, may also refer dispositive motions to Judge Hoppe pursuant to 28 U.S.C. § 636(b)(1)(B).

17. Unless the parties waive oral argument, the court will contact the parties to schedule a hearing shortly after a motion is filed. Even if the parties schedule a hearing, the court may later decide that the hearing is unnecessary and resolve the motion on the pleadings.
18. The court may act upon nondispositive motions—whether or not opposed—at any time without awaiting a response.
19. Dispositive motions must be filed no later than 80 days before trial and heard no later than 45 days before trial.
20. In addition to filing proposed orders on CM/ECF, the parties shall also separately send proposed orders in Microsoft Word format by email to [cullen.ecf@vawd.uscourts.gov](mailto:cullen.ecf@vawd.uscourts.gov).

## **VI. AMENDMENT OF PLEADINGS**

21. Except for good cause shown, any motion to amend the pleadings must be filed no later than 45 days from the date of this order.

## **VII. STATUS CONFERENCE**

22. The court will hold a status conference approximately 30 days before the close of discovery. The parties should be prepared to advise the court on their progress in discovery, any obstacles to completing discovery, anticipated dispositive motions, and the status of any settlement negotiations.

**IT IS SO ORDERED.**

ENTERED this 1st day of April, 2021.

/s/ *Thomas T. Cullen*  
THE HONORABLE THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE